

REMARKS

Claims 1-20 are pending in this application. By this Amendment, claims 1-20 have been amended to more clearly define features of the invention. Support for the claim amendments can be found in the specification, the drawings and the original claims. Accordingly, no new matter has been added.

In paragraph 1, on page 2 of the Office Action, the Examiner states that U.S. Patent No. 6,112,192 Fletcher et al. (Fletcher) "is not an exact duplicate of what appears to be Applicant's inventive feature. However, it will be seen that Fletcher demonstrates a system that is more expensive than Applicant's proposed invention, wherein certain modules in Fletcher do teach Applicant's invention as presently claimed."

Applicant agrees with the Office Action's concession that Fletcher is not an exact duplicate of what is Applicant's inventive feature, but Applicant respectfully disagrees with the Office Action's statement that certain modules in Fletcher teach Applicant's invention as presently claimed. Thus, Applicant respectfully traverses the Office Action's interpretation of Fletcher for the reasons discussed below.

On page 2 of the Office Action, claims 1, 3, 5, 9, 11, 13 and 16 [sic] were rejected under 35 U.S.C. §102(e) as being anticipated by Fletcher. The rejection is respectfully traversed.

As amended, claims 1, 9 and 16 call for, among other features, a unit that generates estimated financial data at a financial state changing measure applicable to a particular company is performed; a method comprising generating estimated financial data after a financial state changing measure applicable to a particular company is performed; or a program comprising generating estimated financial data after a financial state changing measure applicable to a particular company is performed, respectively.

One objective of the invention is to express the effects of the financial measures to improve the rating, such as a bond rating, as described in for example in the specification on page 7, second full paragraph. However, the Office Action does not point out what components in Fletcher allegedly corresponds to “the financial state changing measure” and the “projected financial states” in claim 1. Fletcher does not intend to carry out any financial state changing measure to improve the financial state of the customer before providing a product such as a line of credit or mortgage. Rather, Fletcher only assesses the customer to determine whether the customer is credit worthy to receive the product such as the line of credit or mortgage. Therefore, Fletcher does not disclose or suggest “a unit that generates estimated financial data after a financial state changing measure applicable to a particular company is performed.”

In addition, the Office Action states Fig. 21 indicates credit assessment as a function (e.g., formula) of “character,” “information quality,” “repayment source”, and “financial condition.” However, Fig. 21 of Fletcher merely indicates the relationship between the credit assessment and character, information quality, repayment sources, and financial condition. That is, it cannot mathematically calculate a rating point value from predetermined financial data. Therefore, Fig. 21 of Fletcher does not describe or suggest a predetermined rating point value equation for calculating a rating point value from predetermined financial data. In addition Fletcher indicates (col. 8, lines 46-53) “an underwriter inputs business financial and personal data into the expert system and answers questions required for the Assessment Model. In step S13 (Expert System Assessment), the expert system analyzes financial trends, assigns debt rating, identifies sources of repayment, highlights strengths and weakness, and makes recommendations.” Because the Expert system does not use a predetermined rating point value equation for calculating a rating point value from predetermined financial data as claimed, the Office Action's argument is incorrect.

Furthermore, the Office Action cited Figs. 18 and 26 of Fletcher to indicate the output unit in claim 1. However, Figs. 18 and 26 do not indicate the effect of the financial state changing measure. Because Fletcher assumes that the projection of the financial data is carried out without carrying out any financial state changing measure before providing the product to improve the financial state of the customer, and the current states and the mere projection result are used to assess the customer, there is no need to indicate the effects of the financial state changing measure.

Accordingly, Applicant respectfully submits that Fletcher does not literally disclose, i.e., anticipate the subject matter of claims 1, 9 and 16. Thus, it cannot anticipate claims 3 and 5 which depend from claim 1, and claims 11 and 13 which depend from claim 9. Further, for the reasons discussed, Fletcher does not suggest claims 1, 9 and 16 or dependent claims 3, 5, 11 and 13, which include additional features.

On page 4 of the Office Action, claims 2, 4, 6-8, 10, 12, 14-15, 17-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fletcher in view of U.S. Patent No. 5,615,408 to Johnson et al. (Johnson). The rejection is respectfully traversed.

First, Johnson does not cure the deficiencies of Fletcher as discussed with respect to claims 1, 9 and 16. Claims 2, 4, and 6-8 depend from claim 1, claims 10, 12, 14 and 15 depend from claim 9 and claims 17-20 depend from claim 16. Thus, the asserted combination of Fletcher and Johnson does not render claims 2, 4, 6-8, 10, 12, 14, 15 and 17-20 obvious for at least the reasons set forth above with respect to claims 1, 9 and 16, respectively, and for the additional features the claims recite.

Second, even if the applied references were combined (which would not have been obvious for the reasons set forth above), the combination would not render the Applicant's invention obvious. The combination of Fletcher and Johnson fails to disclose, in addition, the

feature of an estimated rating point value and of a stochastically estimated rating.

Furthermore, the Examiner does not indicate what element in Johnson corresponds to these features. In one embodiment of the invention, the stochastically estimated rating corresponds to, for example, AAA or BBB bond rating. Johnson does not disclose or suggest such feature. Additional features also missing from the combination of Fletcher and Johnson include "information representing an improvement of said estimated rating point value from said rating point value corresponding to said present financial state (claim 3); probability of delinquency or bankruptcy (claim 4); and information representing an improvement of the numerical data that corresponds to the estimated rating point value and is associated with the credit risk (claim 5).

Moreover, throughout the Office Action, the Office Action takes Official Notice and makes several conclusory statements, both which are unsupported by documentary evidence and are respectfully traversed by Applicant. Specifically, the Office Action takes Official Notice of the fact that the financial service rates are affected by inclusion of such bankruptcy probability calculations (page 7 of the Office Action). The Office Action concludes that the system used in Fletcher is capable of implementing Applicant's system (page 8 of the Office Action). The Office Action further asks Applicant to consider that Johnson actually teaches that a plurality of elements needs to be considered when establishing credit risk (page 8 of the Office Action).

Applicant respectfully challenges the Official Notice taken by the Office Action and the conclusory statements. As outlined in MPEP § 2144.03(B), general conclusions concerning what is "basic knowledge" or "common sense" to one of ordinary skill in the art without specific factual findings and some concrete evidence in the record to support these findings cannot support an obviousness rejection. Thus, Applicant respectfully requests

documentation to support each and every official notice and unsupported conclusion stated within the Office Action.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-20 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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